

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

CRIMINAL APPLICATION NO. 4863 OF 2004
IN
CRIMINAL APPEAL NO. 1169 OF 2004

Shivakumar B. Gupta .. Applicant

versus

State of Maharashtra .. Respondents

...

Mr.Rajendra Shirodkar for the applicant.

Mr.A.M. Shringarpure, APP for the State.

CORAM : V.M. KANADE, J

DATED : 22nd November 2004.

P.C:-

1. Heard the learned counsel appearing on behalf of the applicant and the learned APP appearing on behalf of the State.

2. This is a second application for bail filed by the applicant. The applicants earlier application for bail was rejected by an order dated 12th October 2004. The learned counsel appearing on behalf of the applicant has submitted that from the statement of the

deceased which was recorded prior to her death, she has not given the details about the harassment as stated by her mother in her evidence. It is further submitted that the mother has also made a number of improvements in her statement and the allegations regarding harassment and burns being given to her by cigarette and the other aspects which are mentioned in the evidence before the Court are not stated by her in the police statement. It is submitted that the accused was on bail during trial. The learned counsel also brought to my notice the FIR in which none of these facts regarding harassment have been stated.

3. It is not possible to accept the submissions made by the learned counsel appearing on behalf of the applicant. These omissions and contradictions have not been brought on record and therefore, it is not possible to rely on the statement recorded by the police for the purpose of coming to the conclusion that these statements are improvements or are omissions and contradictions. No fresh circumstance is brought on record for the purpose of granting bail. Application for bail is therefore rejected. However, liberty is given to the applicant to apply for bail if the appeal is not heard within a reasonable period of time.

